



**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

January 28, 2003

Lifetime Capital Guarantee
d.b.a. Rue Educational Publishers
d.b.a. Rue Educational Publishers, Inc.
d.b.a. Rue Educational Publishers, Inc.-Nursing Division
d.b.a. Rue Uniforms and Accessories, Inc.
d.b.a. EBanc Funding, Your Mortgage Lender, LLC
150 McMullen Booth Road, South
Clearwater, Florida 33759-4468
Attn: Paul Haagsma
Barbara Haagsma
Larry Bergsman, Registered Agent
Vicky Graham
Tracy Rauck

C.T. Corporation System¹
36 South Pennsylvania St., Suite 700
Indianapolis, Indiana 46204-2279
Attn: Richard Riegner

Paul Haagsma
Barbara Haagsma
1320 Gulf Boulevard
Bellaire Shore, Florida 33786-3320

RE: EB-03-TC-005

Dear Correspondents:

This is an official **CITATION** issued pursuant to section 503(b)(5) of the Communications Act of 1934, as amended (the Act), for violations of the Act and the Federal Communications Commission's rules that govern telephone solicitation.²

It has come to our attention that your company has delivered one or more prerecorded messages to a cellular telephone line. The Act and the Commission's rules prohibit the transmission of any call using a prerecorded voice to any telephone number assigned to a cellular telephone service except when the call is made for emergency purposes³ or with the prior express consent of the called party.⁴ The attached information provided to the Commission indicates that

¹ The Telecommunications Consumers Division has obtained information that C. T. Corporation System is listed as Rue Educational Publishers, Inc.'s registered agent.

² 47 U.S.C § 227; 47 C.F.R. § 64.1200.

³ In this context, "emergency purposes" means calls made necessary in any situation affecting the health and safety of consumers." 47 C.F.R. § 64.1200(b).

⁴ 47 U.S.C. § 227(b)(1)(A)(iii); 47 C.F.R. § 64.1200(a)(1)(iii).

your company delivered a prerecorded message to a cellular telephone line, and that the message was neither delivered for emergency purposes nor with the prior express consent of the called party. This action violates section 227(b)(1)(A)(iii) of the Act and section 64.1200(a)(1)(iii) of the Commission's rules.

The attached information indicates that your prerecorded message contained an unsolicited advertisement.⁵ Accordingly, you also should be aware that it is unlawful to transmit unsolicited advertisements through prerecorded messages to residential telephone lines except under the very limited circumstances described in the Commission's rules.⁶

Please be advised that subsequent violations of the Communications Act or of the Commission's rules of the type described herein may result in the imposition of monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation.⁷

Pursuant to section 503(b)(5) of the Communications Act, you may request a personal interview at the Commission's Field Office nearest to your place of business. The nearest office appears to be either the Tampa Office at 2203 North Lois Avenue, Tampa, Florida 33607 or the Chicago Office at 1550 Northwest Highway, Park Ridge, Illinois 60068. You can contact the Tampa Office or the Chicago Office by telephone at (813) 348-1741 and (847) 298-5402, respectively. You must schedule this interview to take place within 21 days of the date of this citation. Alternatively, you may submit a written statement to the following address within 21 days of the date of this citation:

Kurt A. Schroeder
Deputy Chief
Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission
445-12th Street, S.W.
Washington, D.C. 20554

If you choose to submit a written statement, your written statement should specify what actions have been taken to correct the violation(s) outlined above. You should also include a copy of

⁵ The term "unsolicited advertisement" is defined in the Act and the Commission's rules as "any material advertising the commercial availability of quality of any property, goods, or services which is transmitted to any person without that person's prior express invitation or permission. 47 U.S.C. § 227(a)(4); 47 C.F.R. § 64.1200(f)(5).

⁶ The Commission's rules make it unlawful to "initiate any telephone call using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party unless the call is initiated for emergency purposes or . . . is not made for a commercial purpose, is made for a commercial purpose but does not include the transmission of any unsolicited advertisement, [is made] to any person with whom the caller has an established business relationship at the time the call is made, or [is made by or on behalf of] a tax-exempt nonprofit organization 47 C.F.R. § 64.1200(a)(2), (c); *see also* 47 U.S.C. § 227(b)(1)(B) (prohibiting all prerecorded calls to residential lines "unless the call is initiated for emergency purposes or is exempted by rule or order by the Commission...").

⁷ *See* 47 C.F.R. § 1.80(b)(3).

your company's written do-not-call policy as required by section 64.1200(e)(2)(i) of the Commission's rules. Please reference EB-03-TC-005 when corresponding with the Commission.

Under the Privacy Act of 1974, 5 U.S.C. § 552(a)(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with the Act and the Commission's rules. This will include any information that you disclose in your interview or written statement. Please be advised that if you choose not to respond to this citation and a forfeiture is issued, your unresponsiveness will be considered in our assessment of a forfeiture amount.

You should also be aware that the knowing and willful making of any false statement, or the concealment of any material fact, in reply to this citation is punishable by fine or imprisonment under 18 U.S.C. § 1001.

Thank you in advance for your anticipated cooperation.

Sincerely,

Kurt A. Schroeder
Deputy Chief
Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission

Enclosures